

Kansas Environmental News



Winter 2004



Secretary's Corner

After many months of working with interested parties, KDHE is moving forward with new regulations for wastewater lagoon systems in Kansas. These regulations, now under review at the Department of Administration, set forth guidelines for livestock facilities, municipalities, and industry. This will help ensure the work required is carried out in such a manner as to minimally impact our states' valuable resources such as the Equus Beds, a region where groundwater is near the surface and therefore, more easily impacted.

KDHE is currently working with Kansas City and state of Missouri officials regarding air quality attainment. EPA recently agreed to remove test results, including emissions from prairie fires in the Flint Hills, that would have prevented Kansas City from meeting attainment this year. This gives the metro area another year to find alternative ways to reduce harmful air emissions and stay within the required limitations. Meetings and discussions will continue over the next several months to work toward this goal.

In the summer of 2002, the Division of Environment (DoE) received from the EPA a National Environmental Information Exchange Network (NEIEN) One Stop grant for \$500,000. The One Stop grant is one of several grants available to the states for the purposes of database integration and information exchange between the States, EPA, and other potential trading partners. This grant will provide the foundation for database integration across the Division. The DoE selected five programs; Solid Waste (BWM), iSTEPS (BAR), Wastewater (BOW), and Identified Sites and Storage Tanks (both BER) to comprise the initial database warehouse. Windsor Solutions of Oregon will create the Kansas Facility Profiler Application, which will integrate the five databases into the warehouse. Only a small core set of facility information will be integrated from these five

databases. Additionally, this intranet-based application will also provide geospatial information. Implementation of this application is scheduled for April of 2004. At that time the DoE will become one of a selected number of states with a fully functional Node with the capability of two-way data exchange via the Internet between the DoE and the EPA. A Node is an internet location outside the agency firewall. The DoE also received an NEIEN Readiness Grant in the summer of 2003 for the amount of \$297,000, which will allow for additional DoE database integration and further Node exchange activity.

Another noteworthy event underway in DoE is the upcoming 10th annual Recycling and Composting WORKS! 2004 Conference to be held in Lindsborg March 23-25. A video will be debuted at the conference highlighting advancements in solid waste reduction and management that have happened in Kansas in recent years. It should be an exciting event and ideal opportunity to highlight the many successes in Kansas regarding efforts to improve our environment.

While much work remains for us in 2004, we have made many accomplishments in 2003. Thank you for the ongoing efforts you make to ensure Kansas natural resources are preserved and our children have a safer, healthier state in which to live.

Be Well,
Rod

Table of Contents

Secretary's Corner.....	1
Assistance to Small Businesses.....	2
Works! 2004.....	2
Regulations in Process.....	3
2004 P2 Awards.....	3
Environmental Infrastructure Funding.....	4
National Waste Minimization	4-5
Ark River Festival.....	5
KDHE Staff Receives Award.....	6
Air Inspections Coming.....	6
What is SBEAP?.....	6-7

Public Advocate and Compliance Assistance Panel Offer Assistance to Small Businesses

Are you a small business that has questions or concerns regarding environmental regulations or other environmental issues? That's what the KDHE Public Advocate is for! Feel free to call Cathy Colglazier at (800) 357-6087 with your questions or concerns.

Another resource for you to contact when you have concerns on how environmental regulations pertaining to air affect your small business is the Compliance Advisory Panel (CAP). The CAP is one of three components of the Small Business Environmental Assistance Program which is required by Section 507 of the Clean Air Act. The other two components are the ombudsman (a.k.a. Public Advocate) and the technical assistance program (K-State's Small Business Environmental Assistance Program - SBEAP).

The CAP is a seven member panel whose members are appointed by the Governor, the Majority and Minority Leaders of the Kansas House of Representatives and the Kansas Senate, and the Secretary of KDHE. The CAP is concerned primarily with air regulations, however, the technical assistance component through KSU and the public advocate work not only air regulations, but also waste/hazardous waste, remediation, and water issues in relation to small businesses.

The CAP meets about two or three times each year. Their duties include providing oversight for the program, reviewing information for small businesses to assure such information is understandable by the layperson, and they have the opportunity to review and comment on proposed regulations potentially affecting small businesses.

If you have a concern you'd like to discuss with a CAP member, feel free to give one of them a call. The current members are:

Mindy Bowman	Kansas Department of Health and Environment	785-296-6421
Gary Mason, Chair	Integrated Solutions	316-264-7050
Carl Kurt	EnGraph	785-218-3343
Ralph Gutierrez, Jr.	Cabinetry & Millworks Concepts	785-232-1234
Sam Westfall	Econ-O-Print	785-267-1190
Vaughn Flora	Legislator, Kansas House of Representatives	785-232-5147

Cathy Colglazier, KDHE Public Advocate

WORKS! 2004

Mark your calendars for March 23-25, 2004 when WORKS! 2004 Conference on Solid Waste Management returns to Lindsborg, Kansas where it all began. You won't want to miss this special 10th Anniversary Celebration. We will look back on 10 years of improvements in waste management in Kansas and forward to future challenges.

The 2004 Conference will focus on Safety and Health issues associated with recycling, composting and household hazardous waste management, but will also take some time to reflect on the past 10 years of a highly successful conference. One highlight of the Conference will be the keynote address to be given by national renowned television producer and native Kansan, Bill Kurtis.

Kurtis is well known for his work on the Emmy Award winning "Investigative Reports with Bill Kurtis": on the A&E Network. He also is an anchor of "American Justice" and Executive Producer of "The New Explorers with Bill Kurtis".

For more information on WORKS! 2004, contact Jim Rudeen at 785-296-1603 or e-mail jrudeen@kdhe.state.ks.us

KDHE REGULATIONS IN PROCESS

update 02/04/04

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	PUBLIC HEARING	EFFECTIVE
<u>Waste Management</u>						
ConstructionDemo(N)	4/03	N/A	6/03	7/03	10/03	1/04
SWPlanning(A)	6/03	N/A	9/03	10/03	1/04	*3/04
Permits(A)	*3/04	*4/04	*4/04	*5/04	*7/04	*9/04
Tires (A)	10/03		*1/04	*2/04	*4/04	*6/04
Hazardous Waste Update (A)	*1/04	*2/04	*2/04	*3/04	*5/04	*7/04
<u>Air and Radiation</u>						
AcidRainPermits(A)	1/04		2/04	4/04	6/04	7/04
Acid Rain NOx(N)	1/04		2/04	4/04	6/04	7/04
UpdateStds(NSPS,MA)	1/04		2/04	4/04	6/04	7/04
Consolidated Air Rule (N)	6/04		9/04	12/04	7/05	9/05
Definitions (A)	3/04		4/04	9/04	6/05	7/05
Inventory Report Regs	7/03		*10/03	1/04	5/04	7/04
Air Emissions Fees Reg	7/03		9/03	10/03	1/04	2/04
<u>Water</u>						
SurfaceWQS (A)(SB204)	12/01	11/03	5/02	5/02	9/02	1/03
Surface WQS (HB2219)	6/03	11/03	5/03	5/03	8/03	10/03
Surface WQS (UAAs)	9/03	*1/04	9/03	9/03	12/1-2/03	1/04
<u>Public Water Supply</u>						
Lead Copper Minor Revisions(N)	3/03	3/03	8/03	12/03	5/04	7/04
Consumer Confidence Report(N)	3/03	3/03	8/03	12/03	5/04	7/04
Public Notification(N)	3/03	3/03	8/03	12/03	5/04	7/04
IESWTR(N)	3/03	3/03	8/03	12/03	5/04	7/04
Stage 1 DDBP(N)	3/03	3/03	8/03	12/03	5/04	7/04
LT1(N)	3/03	3/03	8/03	12/03	5/04	7/04
Filter Backwash Recycling Rule(N)	3/03	3/03	8/03	12/03	5/04	7/04
Radionuclide Rule(N)	3/03	3/03	8/03	12/03	5/04	7/04
Arsenic Rule(N)	3/03	3/03	8/03	12/03	5/04	7/04
Permits		3/03	8/03	12/03	5/04	7/04
28-15-11,13,14,15a,20,21,22(R)	3/03	3/03	8/03	12/03	5/04	7/04
Sewage 7 Excreta Disposal						
28-5-16,17,18(A)	3/03	*3/03	*3/03	*4/03	*6/03	*9/03
<u>Geology</u>						
Hydrocarbon Storage Wells(N)	12/02		3/03	3/03	6/03	8/03
Nat. Gas Storage Wells(N)	12/02		3/03	3/03	6/03	8/03
<u>Environmental Remediation</u>						
Surface Mining	9/03	N/A	*1/04	*2/04	*4/04	*5/04

2004 Pollution Prevention Awards

The P2 Awards application has been updated and you can find the new application on the web at http://www.kdhe.state.ks.us/sbcs/p2_pollution_prevention_awards.html. If you are unable to access the website for the applications, please give us a call at 1-800-357-6087 and we'll be happy to send you a hard copy. Remember that any facility, community, school or individual is eligible for an award, and applications are not competitive, but based on their own merit. Award applications are due **Friday, June 25, 2004 at 5:00 pm**. Awards will be presented at the 2004 Kansas Environment Conference which will be held in Overland Park at the Doubletree Hotel on September 1 - 2, 2004.

Environmental Infrastructure Funding - Revolving Loan Funds

KDHE regulates water quality in Kansas. Water quality includes the quality of drinking water as well as the water quality in streams and lakes. Key components in providing clean water are municipal water and sewer systems. As society's expectations for a clean environment grow, the demands placed on municipal water and sewer systems increase. The demands might include additional treatment units, better reliability, increased security precautions, and extensions of water supplies or sewer systems to new customers. Replacement and normal maintenance of this water quality infrastructure is also a significant challenge for municipalities to address. Kansas municipalities are typically small especially in terms of utility management. In managing Kansas water quality, and the municipal infrastructure designed to protect the water quality, all these factors need to be considered. Finding the funds to meet these needs is a challenge. One way Kansas helps municipalities is through low interest loans to construct drinking water and wastewater treatment systems.

KDHE administers two revolving loan funds, with combined assets of \$841 million, that are intended to assist local municipalities in financing water infrastructure. The Federal Clean Water Act and Safe Drinking Water Act and corresponding Kansas statutes authorize the revolving funds. Congress has appropriated funds to the states through EPA to help establish the funds. States must provide a match of at least 20% and then can make loans at less than market rates. Kansas took a unique approach and provides more than the required minimum match. Leveraging the federal contributions to Kansas increases the funds available so more loans can be made to assisting local utilities. The Kansas match is provided through the issuance of revenue bonds through the Kansas Development Finance Authority. Bond repayments are derived from local sewer charges.

The first of the two funds, established in 1989, was designed to help finance municipal wastewater systems and leverages the available Federal funds by a factor of two. The interest rate to municipalities is set at 60% of market, which now computes to about 3%. Since established in 1989, the wastewater loan program has made 236 loans totaling \$583 Million.

The second loan program for drinking water systems started in 1998. In establishing this program Kansas has been more aggressive in leveraging in that the state turns a Federal dollar into four dollars of loans to municipalities. To accomplish this aggressive leveraging the interest rates needed to be slightly higher and are set at 80% of market, which would be 4% today. Despite the slightly higher rate, demand remains strong for the loans. Since startup the drinking water loan program has made 104 loans totaling \$221 million.

Since assistance is provided through a loan which must be repaid, municipalities are encouraged to be thrifty in their expenditures while still providing some relief to the project cost. Priorities are given to projects which will improve compliance and on the extent of environmental improvement provided by the project. Funds are held aside for small utilities to assure the larger communities do not dominate. However, this has not been a problem and the small communities are the majority of the loan recipients. A requirement of a drinking water loan is the utility agreeing to have their finances reviewed annually by an outside party if loan repayment is not guaranteed with insurance or tax backing. This is to assure the local utility maintains adequate rates to maintain the system and to repay the loan. The low interest loan programs are a valuable tool for municipalities and KDHE in implementing water quality programs. For more information on the revolving loan programs, contact Dave Waldo at (785) 296-5503 or Rod Geisler at (785) 296-5527.

Karl Mueldeener, Bureau of Water

National Waste Minimization Partnership Program

The National Waste Minimization Partnership Program is a new voluntary program that fosters partnerships between EPA and industry to reduce hazardous waste, especially waste containing highly toxic chemicals. The partnership is a cornerstone of the Resource Conservation Challenge. Initiated in December 2002, the challenge encourages new, innovative thinking in the conservation of our

(cont. on page 5)

(cont. from page 4)

resources, including better ways to reduce, reuse, or recycle waste.

EPA created the National Waste Minimization Partnership Program (one of EPA's family of voluntary partnership programs) to focus efforts on reducing 30 highly-toxic, priority chemicals found in our nation's hazardous waste. Available scientific data indicate that these chemicals can cause serious harm to humans, wildlife and ecosystems if released to the environment. The National Waste Minimization Partnership Program focuses on finding solutions that prevent the formation of wastes containing these chemicals at the source of production, and by recovering/recycling these chemicals where they cannot easily be eliminated or reduced at the source.

EPA's goal is to work with industry and the public to reduce the presence of these priority chemicals in hazardous waste by 50 percent by the year 2005, compared to amounts generated in 1991. EPA invites organizations that generate hazardous waste - particularly waste containing any of the 30 waste minimization priority chemicals - to join the National Waste Minimization Partnership Program. Make your contribution to the nation's strategic environmental goals.

For more information, you may visit the National Waste Minimization Partnership Program Web site at <http://www.epa.gov/wastemin/> or contact Gary Bertram, U.S. EPA Region 7, at bertram.gary@epa.gov or 913-551-7533.

Gary Bertram, US EPA Region VII

ARK RIVER WATER FESTIVAL

Water resources are vital to our region's future – and, thus, to the future of our children. Young people must understand the importance of a healthy watershed for all water-dependent activities including agriculture, recreation, local industry, and wildlife habitat. They must also learn their role in maintaining this essential resource. For that reason, the Finney, Gray and Kearny County Conservation Districts have organized an annual educational fair and will be hosting their third ***Ark River Water Festival*** in the spring of 2004.

One of the largest water festivals of its kind in the country, it targets students in the 5th and 6th grades. Over 20 agencies from throughout Kansas will be combining efforts to provide educational presentations and exhibits for over 1,500 students. This one-day environmental science workshop offers a diverse range of activities designed to heighten student awareness of water and other natural resources and their role in protecting them.

Modeled after several successful Water Conservation Celebrations attended by thousands of students nationwide, the festival features concurrent hands-on presentations which include subject matters such as: water quality, water quantity, groundwater issues, weather, stream life, and pollution. Topics are introduced in fun ways - through games, activities and demonstrations that are guaranteed to capture student interest.

Parents and teachers are also recipients of this valuable information. Educators are given the opportunity to obtain a wealth of up-to-date natural resource information and to learn innovative approaches for teaching these important topics in their classrooms. Special "Parent Packets" that contain public service information are sent home with the children. Many household issues are addressed in the packet, such as the disposal of hazardous waste, environmentally sound cleaning tips, yard and lawn care, composting, cost share and much, much more. Collectively, it is estimated that the environmental information disbursed throughout the festival reaches a minimum of 2,500 people.

If you would like more information about the ***Ark River Water Festival***, you may contact any one of the participating Conservation Districts.

Pam Howard, Committee Member

(pam-howard@ks.nacdnet.org)

KDHE Staff Receives Award

Tom Stiles, Chief of the Kansas Department of Health and Environment's Watershed Planning Section, received the Fox Award at the quarterly meeting of the Kansas Water Authority. He was recognized for his leadership supporting implementation of the Kansas Water Plan and its goals. The Kansas Water Authority is a 23-member group made up of Kansans representing various water interests and representatives of the state's water-related agencies. In concert with the Kansas Water Office, the Authority annually presents water resource policy recommendations to the Governor and Legislature.

Joe Harkins, Acting Director of the Kansas Water office, said, "Tom had the will, the skill and courage to move forward stream by stream on implementation of minimum desirable stream flows (MDS)." Stiles, who started his career in Kansas government with the Kansas Water Office, was instrumental in a collaborative effort to identify and develop the Minimum Desirable Streamflows at 33 sites on 23 streams and rivers. The MDS levels are intended to assure streamflows are adequate to meet multiple uses including water quality and protection of existing water rights.

He also helped to develop the state's water assurance program that assures water supplies to cities and industries during times of drought in the Kansas, Marais des Cygnes and Cottonwood/Neosho river systems. Stiles rose to the rank of assistant director of the Kansas Water Office before accepting his current position with the Kansas Department of Health and Environment. Together with his staff, he has advanced the cause of nonpoint source pollution issues with the development of Total Maximum Daily Loads.

In accepting the Fox Award, Stiles said, "It's not about what I've done, but about where we've come from and building on that base. Water planning in Kansas is built incrementally, baby step by baby step." Water issues may not be partisan, but they are parochial, he added, saying it will be necessary to set aside parochial interests to move Kansas into a brighter future for water resources. The difficult tasks ahead include controlling nonpoint source pollution, developing regional public water supplies

and conserving and extending the life of the Ogallala aquifer.

Stiles joins the ranks of state and national elected officials, educators and professional and volunteer water leaders who have received the award. The Kansas Water Office established the Fox Award in 1997 to recognize groups and individuals who have worked effectively to meet the objectives of the Kansas Water Plan, the Kansas Water Authority, or to benefit some other aspect of Kansas water and related land resources. The Fox Award honors Ron Fox, former state representative, who championed the cause of the Kansas Water Plan and who passionately advocated its development and implementation.

Media note: Stiles may be reached at (785) 296-6170
Hank Ernst, Kansas Water Office

Drycleaner Air Inspections Coming

EPA developed national standards that restrict air emissions to levels consistent with the lowest emitting standards, referred to as maximum achievable control technology (MACT) standards. KDHE's Bureau of Air and Radiation (BAR) will visit drycleaning facilities to determine compliance with the MACT standards at drycleaning facilities. Facilities in Johnson, Sedgwick, Shawnee, and Wyandotte counties will be inspected by local government inspectors. For more information, contact Russ Brichacek, Unit Chief with KDHE Air Compliance Program (785) 296-1544.

What is SBEAP?

The Kansas Small Business Environmental Assistance Program (SBEAP) was initiated as a result of the Clean Air Act Amendment of 1990. SBEAP's mission is to assist smaller businesses through technical and environmental compliance assistance. SBEAP emphasizes assistance designed to diminish the burden of compliance. Our staff can introduce you to pollution prevention practices such as changes in product design, substitution of materials, process optimization, waste minimization, and recycling. *(cont. on page 7)*

(cont. from page 6)

The Pollution Prevention Institute at Kansas State University is the contractor for the SBEAP, providing confidential technical assistance to businesses. Although funded by the Kansas Department of Health and Environment (KDHE), the SBEAP program is non-regulatory and operates independently of KDHE. The SBEAP program assists businesses with compliance across all environmental media: air, water, and hazardous waste.

Program Services

SBEAP services match the needs of those businesses we help. The following are program services and outreach available at no charge:

- Confidential assistance through our toll-free number, 800-578-8898
- On-site technical and regulatory assistance
- Publications and quarterly newsletters
- Presentations, workshops, and seminars
- Internet home page, www.sbeap.org

Confidential Assistance

We encourage businesses to take advantage of our free, confidential assistance services by using the Environmental Hotline, 800-578-8898, or by sending questions to SBEAP@ksu.edu.

On-Site Technical Assistance

On-site technical assistance allows SBEAP staff to evaluate technical, regulatory, and economic opportunities specific to your operations. SBEAP specialists will tour your facility, meeting with key personnel. A confidential report is provided to your business detailing specific recommendations to help reduce wastes and deal with compliance issues. Assessments address air, water, solid, and hazardous waste streams, as well as efficient use of energy resources. Waste reduction and regulatory compliance are always the primary goals.

Publications

SBEAP serves as a resource center with over 50 fact sheets, pamphlets, and manuals on hand, covering a wide range of issues – from Kansas environmental regulations to pollution prevention techniques for various industries. An environmental newsletter, *Kansas AIRLines*, highlights some of the “hot topics” facing Kansas businesses.

Presentations and Outreach

SBEAP staff provide useful information to businesses, trade and industrial organizations, community groups, and others by hosting and participating in many workshops, teleconferences, and other training programs each year. These programs include both industry-specific pollution prevention technologies and regulatory information. For more information on our upcoming events, be sure to visit our calendar of events at www.sbeap.org.

Richard Nelson, Kansas State University

MARK YOUR CALENDARS

2004 Kansas Environment Conference
September 1-2, 2004
Doubletree Hotel
Overland Park, KS

*The Kansas Environmental News is published by the Kansas Department of Health and Environment, Bureau of Environmental Field Services, *Kathleen Sebelius, Governor, *Roderick L. Bremby, Secretary. Reprinting of any article should credit the KDHE. For information about the newsletter, contact Ricquelle Landis, 785-296-6603. Look for information about KDHE on the web at www.kdhe.state.ks.us.

**Bureau of Environmental Field Services
Kansas Department of Health and Environment
Charles Curtis Office Building
1000 SW Jackson Street, Suite 430
Topeka, KS 66612**

Presort Standard
U.S. Postage Paid
Topeka, Kansas
Permit No. 157